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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/014,428

12/14/2001

Sciya Ohta

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11/01/2006

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EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/014,428	OHTA, SEIYA	
	Examiner	Art Unit	
	Chriss S. Yoder, III	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see page 9, lines 2-8, filed October 3, 2006, with respect to the rejection(s) of claim(s) 1 3-6, and 9-11 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nobuoka (US Patent # 5,986,698).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nobuoka (US Patent # 5,986,698).
2. In regard to claim 1, note Nobuoka discloses the use of an imaging apparatus capable of imaging a still picture and a motion picture (column 5, lines 8-17), comprising an image stabilizer that suppresses image blur of the imaging apparatus (column 5, lines 24-36), determination means for determining which one of still picture imaging and a motion picture imaging is performed (column 9, lines 45-61), and a controller that selects a control frequency characteristic of said image stabilizer based on the result produced by said determination (column 10, lines 21-61, depending on the mode, the

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proper frequency for filter 511 is selected to change the characteristics of the image stabilizer), wherein, the control frequency characteristic of said image stabilizer has a lower frequency response for still picture imaging than for motion picture imaging (column 10, lines 21-61, in the panning/tilting motion mode the frequency is set to  $f_0$ , and in the still mode, the frequency is set to  $f_1$ , wherein  $f_1 < f_0$ ).

3. In regard to claim 9, note Nobuoka discloses the use of an imaging apparatus capable of imaging a still picture and a motion picture (column 5, lines 8-17), comprising an image stabilizer that suppresses image blur (column 5, lines 24-36) and a detector that detects a vibration frequency using a predetermined vibration detection characteristic selected from among a plurality of vibration detection characteristics (column 10, lines 21-61, depending on the mode, the proper frequency for filter 511 is selected to change the characteristics of the image stabilizer), wherein the predetermined vibration detection characteristic is selected on the basis of whether said imaging apparatus is performing still picture imaging or motion picture imaging (column 10, lines 21-61, depending on the mode, the proper frequency for filter 511 is selected to change the characteristics of the image stabilizer).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobuoka (US Patent # 5,986,698) in view of Oshima et al. (US Patent # 5,526,045).

5. In regard to claim 4, note Nobuoka discloses the use of an imaging apparatus capable of imaging a still picture and a motion picture, as claimed in claim 1 above. Therefore, it can be seen that Nobuoka fails to disclose the use of an imaging switch that activates an imaging operation and a controller that starts controlling the control frequency characteristic of said image stabilizer in response to operation of said imaging switch. Oshima disclose the use of an imaging switch that activates an imaging operation (column 8, line 61- column 9, line 5), and a controller that starts controlling the image stabilizer in response to operation of said imaging switch (column 8, line 61- column 9, line 5; the control mode is selected when the user depresses the control switch 7). Oshima teaches that the use of an imaging switch that activates an imaging operation and a controller that starts controlling the image stabilizer in response to operation of said imaging switch is preferred in order to de-energize the stabilizer to eliminate unwanted power consumption (column 8, lines 61-64). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Nobuoka device to include the use of an imaging switch that activates an imaging operation and a controller that starts controlling the control frequency characteristic of said image stabilizer in response to operation of said imaging switch so as to reduce power consumption, as suggested by Oshima.

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6. In regard to claim 5, note Oshima discloses that the imaging switch is operated in a plurality of stages, and the image stabilization is started when a predetermined number of stages of said imaging switch are operated (column 8, line 61- column 9, line 5; after the user depresses the control switch 7 and the first stage is operated, the control mode is selected), and combining this with Nobuoka to select the control frequency characteristic when the image stabilization is started, one of ordinary skill in the art would arrive at the claimed invention.

7. In regard to claim 6, note Oshima discloses that the same image stabilization characteristic is selected regardless of whether said imaging apparatus is performing still picture imaging or motion picture imaging while said imaging switch is not operated (column 8, line 61- column 9, line 5; if the user does not depress the control switch 7 then the control mode is not changed and the characteristics stay the same).

8. In regard to claim 10, note Nobuoka discloses a panning and tilting detector that detects whether said imaging apparatus is being panning or tilted (column 10, lines 27-45), using a predetermined detection characteristic selected from among a plurality of detection characteristics (column 10, lines 21-61), the predetermined detection characteristic being selected on the basis of whether said imaging apparatus is performing still picture imaging or motion picture imaging (column 10, lines 21-61).

9. In regard to claim 11, note Nobuoka discloses a panning and tilting detector that detects whether said imaging apparatus is being panning or tilted (column 10, lines 27-45), using a predetermined detection characteristic selected from among a plurality of detection characteristics (column 10, lines 21-61), and on the basis of whether said

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imaging apparatus is performing still picture imaging or motion picture imaging (column 10, lines 21-61). As for the limitation that the predetermined detection characteristic is selected in response to operation of said imaging switch, this is taught by Oshima (column 8, line 61- column 9, line 5; the control mode is selected when the user depresses the control switch 7) .

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006208810B1: note the use of different frequency characteristics for still and motion image capture.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSY  
October 4, 2006



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